

COMPLIANCE HISTORY for the  
**Northeast Casualty Real Property, LLC**  
facility  
(formerly Safety-Kleen (Clive), Inc., Laidlaw Environmental Services  
(Clive), Inc. and USPCI Clive)

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ACTION: **Notice of Violation** issued July 22, 1992  
ISSUES: Failing to label or mark each container accumulating hazardous waste with the words "hazardous waste;" failure to clearly mark each container with the date accumulation began; failure to maintain containers holding hazardous waste closed.  
Failure to clean up all spilled material and residue resulting from a spill.  
RESOLUTION: **Stipulated Consent Order** signed May 18, 1993. Penalty paid in the amount of \$28,798.

ACTION: **Warning Letter** issued May 25, 1994  
ISSUES: Failure to label or mark each container accumulating hazardous waste with the words "hazardous waste;" failure to clearly mark each container with the date accumulation began; failure to maintain containers holding hazardous waste closed.  
Closure cost estimate did not contain the Irrevocable Letter of Credit Amendment.  
Trial Burn Plan permit modification lacked certification statement.  
RESOLUTION: Not Applicable

ACTION: **Notice of Violation** issued December 21, 1994  
ISSUES: Failure to collect four samples from each roll-off for compositing from an incoming hazardous waste shipment; failure to insert the sampling device through the full height of the waste.  
Failure to bar code containers in the Container Management Building.  
Automatic restoration of waste feed following an automatic waste feed cut-off.  
Failure to decant liquids present in a waste prior to being stored on the Temporary Storage Area.  
Failure to perform the paint filter test on wastes prior to placement on the Temporary Storage Area.  
Failure to implement inspections in the Container Management Building.  
Failure to review the Quality Assurance and Quality Control data associated with analytical data generated by off-site laboratories, as part of the waste

acceptance process.

Failure to analyze spike samples, replicate samples, and method blanks as part of the internal quality control procedures associated with an off-site laboratory.

Failure to perform instrument calibration checks to ensure consistent instrument operation from day to day.

Failure to use the appropriate analytical method for pH on a solid hazardous waste preacceptance sample.

Failure to obtain a representative sample of a site-generated waste stream for laboratory analysis.

Failure to immediately amend the Contingency Plan following a change in the list of emergency coordinators.

Failure to update the operating record to reflect the new storage location of hazardous waste in the tank farm on a real-time basis.

Failure to comply with the manifesting requirements when shipping site-generated hazardous waste off-site.

Storing hazardous waste in the rail transfer area adjacent to Unit 255 in excess of ten days.

Failure to incorporate into the operating record, storage codes identified in Appendix I of 40 CFR 264.

Failure to submit reports and other information signed by a person who is authorized, in writing, to sign such documents.

Failure to submit reports and other information to the Executive Secretary, certified in accordance with R450-3-3.

**RESOLUTION:** **Stipulated Consent Order** signed August 31, 1995. The above deficiencies were corrected and a penalty in the amount of \$99,000 was paid. In addition, a donation was made to the Western States Hazardous Waste Project in the amount of \$50,000.

**ACTION:** **Notice of Violation** issued August 11, 1997

**ISSUES:**

Failure to operate the tank farm, container shredder, and incineration system in a way that minimizes the possibility of an explosion, and any sudden or non-sudden release of hazardous waste.

Failure to mark containers of waste generated at the facility with the words "hazardous waste," and the date accumulation began. Failure to maintain containers of hazardous waste in a closed condition.

Failure to prohibit the burning of waste code F019 in the incineration system during the Post-Trial Burn Period.

Failure to transfer hazardous waste from leaking containers to containers that were in good condition within 24 hours of identifying the leaks.

Failure to prevent migration of surface liquids from waste handling areas to other areas of the facility.

Failure to conduct the 168 hour waste feed cutoff test and the associated

actual waste feed cutoff demonstration.  
 Failure to record observations and problems noted during inspections and failure to record the nature and date of repairs made to correct deficiencies documented during inspections.  
 Failure to document training provided to employees working on the Greenwood Chemical shipment.  
 Failure to correct deterioration or malfunction according to the permit established time frames.  
 Failure to conduct system audits in the facility laboratory.  
 Failure to accurately record the location of waste in storage at the facility.  
 Failure to prohibit stacking containers on top of double-stacked 55-gallon drums.  
 Placing loads of containerized waste into storage bays prior to completing the incoming load procedures, and without entering the containers into the inventory record.  
 Failure to store small containers in a van trailer in Unit 106.  
 Failure to maintain minimum aisle space in Unit 106.  
 Storing waste outside of a permitted unit.  
 Failure to correctly calculate the hourly rolling average feed rate of antimony, barium, lead, mercury, nickel, selenium, silver, and thallium to the incinerator.  
 Exceeding maximum metal feed rates to the incinerator.

**RESOLUTION:** **Stipulated Consent Order** signed October 21, 1998. The above deficiencies were corrected and a penalty in the amount of \$78,856 was paid. In addition, a donation was made to the Western States Hazardous Waste Project in the amount of \$25,000.

**ACTION:** **Warning Letter** issued September 8, 1999.  
**ISSUES:** Failure to transfer hazardous waste from a container in poor condition to a container in good condition or transfer the container of hazardous waste itself, to a container in good condition, as soon as possible, but no later than twenty-four (24) hours from the time the problem was first discovered and noted in the inspection log portion of the Operating Record.  
 Failure to maintain emergency equipment in good operating condition in the Container Management Building.

**RESOLUTION:** Issues satisfactorily resolved through response from Clive dated October 20, 1999.

**ACTION:** **Notice of Violation and Order for Compliance** issued August 4, 2000.  
**ISSUES:** Failure to obtain additional reinsurance agreements for the surety bond providing financial assurance for closure when the underwriting

limitations of Frontier Insurance Company were reduced.  
Failure to re-establish other financial assurance for closure within the 60-day period after Frontier Insurance Company was no longer considered an acceptable surety.

**RESOLUTION:** On August 25, 2000, Safety-Kleen entered into a Consent Agreement with EPA which allowed for an extended time frame for replacing the necessary financial assurance for closure. The state of Utah is a participating state in this Consent Agreement. The initial deadline for replacing financial assurance for closure was December 15, 2000, but was extended to February 28, 2001. The deadline for replacing financial assurance for closure was extended further by EPA to April 30, 2001. This deadline was extended again by EPA to September 30, 2001. Due to the events of September 11, 2001, the deadline was again extended by EPA to October 18, 2001. The deadline was again extended by EPA to November 30, 2001. Compliant financial assurance was later obtained and the issue resolved as of January 14, 2002.

**ACTION:** **Warning Letter** issued May 15, 2002.

**ISSUES:** Leaking roll-off boxes were documented during the inspection interval. Container tracking issues were documented. Specifically, lack of unique identifying numbers, inventory inaccuracies, and drums present in a storage unit, but not identified in the operating record.

**RESOLUTION:** Issues identified were addressed by Clive personnel.

**ACTION:** **Notice of Violation** issued February 11, 2005

**ISSUES:** Storing LDR waste for longer than one year.  
Failing to unload properly manifested transport vehicles within ten days following arrival at the site.  
Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.  
Failing to take immediate appropriate action to minimize the threat to human health and the environment resulting from spills of hazardous waste.  
Failing to record in the operating record the location of each container stored in the container storage areas.  
Failing to maintain the equipment required in the Preparedness and Prevention Plan in good operating condition.  
Failing to follow the inspection schedule.  
Failing to submit an unmanifested waste report when hazardous waste was received from off-site without an accompanying manifest.

RESOLUTION: **Stipulated Consent Order** signed September 29, 2005. The above deficiencies were corrected and a penalty in the amount of \$34,250 was paid.

ACTION: **Notice of Violation** issued February 15, 2006.

ISSUES: Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.  
Failing to maintain facility in good condition (Unit 106 truck door).  
Failing to remove liquid from sump within 24 hours.

RESOLUTION: **Stipulated Consent Order** signed August 23, 2006. The above deficiencies were corrected and a penalty in the amount of \$11,716 was paid.

ACTION: **Notice of Violation** issued January 19, 2007.

ISSUES: Failing to maintain facility equipment in good repair (Unit 105 rail door).  
Failing to maintain the concrete coating in the sump of Unit 604.  
Failing to write the words "hazardous waste" and the dates accumulation began on containers of site-generated waste, and Failing to maintain containers of hazardous waste closed.  
Failing to assign unique identifying numbers to containers of hazardous waste in storage.  
Failing to empty secondary containment of liquid and waste.  
Failing to accurately indicate container locations in the operating record.  
Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.  
Failing to remediate a spill of hazardous waste while waste was being transported.  
Failing to maintain copies of inspection records at the Clive Facility.  
Accumulation of hazardous waste for longer than 90 days.  
Failing to conduct inspections when the facility was staffed.

RESOLUTION: **Stipulated Consent Order** signed August 20, 2007. The above deficiencies were corrected and a penalty in the amount of \$77,437 was paid.

ACTION: **Notice of Violation** issued January 29, 2008.

ISSUES: Failing to conduct inspections when the facility is staffed.  
Failing to submit a manifest discrepancy report.

Failing to assign a unique identifying number to containers of waste in storage and failing to track the movement of waste at the facility by use of the unique identifying number.

Failing to transfer the contents of hazardous waste from a container that is leaking to a container in good condition.

Failing to take immediate appropriate action to clean up spilled material (waste).

Modifying a permitted container storage area without Executive Secretary approval.

RESOLUTION: Pending.